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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 04TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

W.P.NO.15676/1998

BETWEEN:

1. Smt.Yesubai,  
w/o Siddu Bhosale,  
Aged:Major,  
Occ:Household and  
Agriculture,  
R/at Pandegaon,  
Taluk-Athani.

2. Smt.Kashibai,  
w/o Pundalik Bhosale,  
Age:Major,  
Occ:Household and  
Agriculture,  
R/at Pandegaon,  
Taluk-Athani.

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..PETITIONER

(By Sri G.S.Kannur, Adv.)

AND:

1. The Assistant Commissioner,  
Chikodi at Chikodi.

2. The Tahsildar,  
Athani.

3. The Revenue Inspector,  
Ananthapur.

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4. Smt. Pushpabai,  
w/o Pandurang Bhosale,  
Aged: Major,  
Occ: Household and  
Agriculture,  
R/at Malnagaon,  
Taluk-Khavatemahankal,  
District-Sangli,  
Maharashtra.

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..RESPONDENTS

(By Sri B.E.Kotian, Addl. Govt. Adv. for Respds.)

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This writ petition is filed under Article 226  
227 of the Constitution of India with a prayer  
to quash the order vide Annex.G dt.06.04.1998  
by Respondent-1 and etc.


This writ petition coming on for prly.  
hearing this day, the court made the following:-

ORDER

Sri Kotian, learned Government Advocate  
is directed to take notice to Respondents-1 to  
3.

2. Petitioners 1 and 2 are sisters.  
The 4th respondent is the daughter of 2nd  
petitioner.

3. In this petition, the petitioners  
have called in question the correctness of the  
order dated 6th April, 1998, passed by the 1st  
respondent directing deletion of the name of



the petitioners in respect of lands in question and entering the name of the 4th respondent.

3. Sri G.S.Kannur, learned counsel appearing for the petitioners submitted since the name of the petitioners was entered in respect of lands in question as back as in the year 1982 pursuant to the order dated 7th July, 1982, it was not permissible for the 1st respondent to pass the impugned order at this stage. It is his submission so long as the order of Tahsildar is not set aside, the said order binds the parties.

4. The 1st respondent has passed the impugned order on the basis of the Registered Gift Deed which is relied upon by the 4th respondent. The parties are closely related. The entries in the revenue records does not finally determine the rights of the parties. It is open to the parties aggrieved to approach the Civil Court and get their dispute settled. Therefore, having regard to the facts and circumstances of the case and keeping in view that the parties are closely

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related, I do not find it appropriate for me to interfere against the order impugned in this petition. However, it is necessary to observe that the order impugned passed by the 1st respondent directing the name of the 4th respondent should be entered in the revenue records will not affect the rights of the parties whoever may be in possession of the lands in question. Further, it is also needless to observe that if the dispute is before the Civil Court, the Civil Court is required to consider the respective claim of the parties without being influenced by the entries in the revenue records and purely on the basis of the evidence that may be placed before it.

4. Subject to the observation made above, this petition is rejected.

5. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.

Sd/-  
JUDGE

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